

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANDY LUNA,

Plaintiff,

-against-

AC GREGORY, et al.,

Defendants.

1:24-CV-1884 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated July 8, 2024, the Court granted Plaintiff 60 days' leave to file an amended complaint, as specified in that order. That order made clear that Plaintiff's failure to file an amended complaint within the time allowed would result in dismissal of this action; the Court would dismiss Plaintiff's claims that he asserts on behalf of others without prejudice, dismiss Plaintiff's own claims under federal law for failure to state a claim on which relief may be granted, *see* 28 U.S.C. § 1915(e)(2)(B)(ii), and would decline to consider, under its supplemental jurisdiction, Plaintiff's own claims under state law, *see* 28 U.S.C. § 1367(c)(3). Plaintiff has not filed an amended complaint. Accordingly, the Court dismisses this action for the reasons articulated in the Court's July 8, 2024 order and above.

The Court certifies, under 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and, therefore, *in forma pauperis* status is denied for the purpose of an

appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Court directs the Clerk of Court to enter a judgment dismissing this action for the reasons set forth in the Court's July 8, 2024 order and this order.

SO ORDERED.

Dated: October 28, 2024  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge